



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

September 22, 2023

BY ECF

The Honorable Mary Kay Vyskocil
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 9/22/23

Re: *United States v. Angel Robertho Peri Cacho, 23 Cr. 216 (MKV)*

Dear Judge Vyskocil:

The parties write respectfully in response to the Court's August 24, 2023 Order regarding a status update in advance of the status conference currently scheduled for September 28, 2023, in the above-referenced matter.


On or about September 12, 2023, defendant Angel Robertho Peri Cacho was evaluated at the Metropolitan Detention Center by clinical psychologist Dr. Edwin Fernandez. Defense counsel anticipates that a preliminary report of this assessment will be available to the parties during the week of September 25, 2023. Pending the outcome of the defendant's competency evaluation in the forthcoming preliminary report, defense counsel plans, assuming the defendant is found to be competent, to submit an expedited application for deferred prosecution to the Government. Accordingly, the parties request a two-week adjournment of the September 28, 2023 status conference in order to receive, assess, and take any necessary steps with respect to the defendant's competency evaluation. Please note that defense counsel is not available on October 12, 2023.

In addition, the Government requests that time between September 28, 2023 and the date of the status conference be excluded pursuant to the provisions of the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A). The ends of justice served by granting the proposed exclusion outweigh the best interests of the public and the trial in a speedy trial, as the proposed exclusion will allow the parties time to receive and assess the preliminary psychological report of the defendant's competency and determine the appropriate path forward. Defense counsel consents to this request.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By:

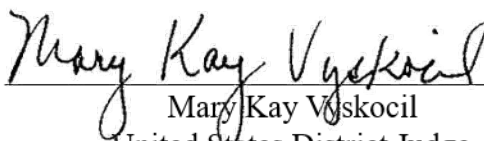

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cc: Mark Gombiner, Esq.

Granted.

IT IS HEREBY ORDERED that the Status Conference scheduled for September 28th, 2023 is ADJOURNED to October 17th, 2023 at 11am. All time is excluded until October 17th, 2023.

Date: 9/22/23
New York, New York


Mary Kay Vyskocil
United States District Judge